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REMARKS

Claims 1-4, 11, 12, 14-21, 23, 25 and 26 are pending.

Claim Objections and Claims Amendments

Claim 25 has been amended to correct the typographical error to the term "monobutyl maleate." In addition, the dependency of claim 12 has been changed from claim 11 to claim 1 because the species sodium chloride or potassium chloride defined in claim 12 is not part of the Markush group defined in claim 11. Applicants respectfully submit that these amendments do not narrow the scope of the claims.

Claims Rejections Under 35 U.S.C. § 102(b)

Claims 1-4, 11, 12, 14-21, 23 and 26 stand rejected as allegedly anticipated or, in the alternative, under 35 U.S.C. § 103(a) as allegedly obvious over U.S. Patent No. 4,920,004 (Bagchi). The action admits that Bagchi exemplifies using an amount of 5 weight % of methacrylic acid, but alleges that one of ordinary skill in the art would readily envision using the amounts of methacrylic acid as defined by the claims. Applicants respectfully traverse these rejections.

First, Bagchi fails to provide sufficient guideposts or blazemarks for one of ordinary skill in the art to create monomer droplets comprising at least 20% by weight of a carboxylic acid containing monomer A. At col. 2, line 51-col. 3, line 7, Bagchi discloses a multitude of monomers that can be used for monomer A. Only four such monomers are disclosed as being a carboxylic acid. Moreover, Example 3 of Bagchi exemplifies using methacrylic acid with divinylbenzene and styrene. In that example, as noted in the Action, only 5 weight % of methacrylic acid is utilized with respect to the other monomers.

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What is more, Bagchi prefers X representing from 0.1 to 100 and preferably from 1-20 mole percent in the formula depicted at lines 16-19 at col. 3. Consequently, Bagchi teaches a maximum of a monomer A of 20 mole percent. Both divinylbenzene and styrene have a molecular weight greater than methacrylic acid. Thus, even assuming that one skilled in the art would be motivated to use the monomers exemplified in run 3, using either divinylbenzene or styrene alone or in a mixture, the resulting weight percent of methacrylic acid in that formula is less than 20 weight %. Consequently, Applicants respectfully submit that there is simply insufficient preferences or examples within the vast number of possibilities in Bagchi for one of ordinary skill in the art to utilize 20 weight % of a carboxylic acid containing monomer A.

Moreover, there is evidence in the record that one of ordinary skill in the art would have insufficient motivation to make the alleged modification. At page 4, lines 7-27, the specification notes that when a monomer which is partially or fully water soluble is attempted in suspension polarization, the monomer partitions into the aqueous phase. This citation further notes that this creates difficulty in the subsequent formation of particle agglomerates. Consequently, this further illustrates that one of ordinary skill in the art would not be motivated to use 20 weight % of a carboxylic acid containing monomer A in a monomer droplet.

What is more, the specification notes that adding salt to an aqueous phase of a suspension polymerization containing aqueous soluble monomers is not desired because most suspension stabilizers are insoluble or unstable in a high salt aqueous phase and thus do not adequately protect the monomer droplets allowing them to agglomerate. See the present specification at page 4, lines 23-27. Consequently, Applicants respectfully submit that this further demonstrates the unobviousness of utilizing 20% by weight of a carboxylic acid

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containing monomer in a monomer droplet along with concentration of from 10% to 50% by weight of an inorganic salt present in the aqueous phase. Consequently, Applicants respectfully submit that these rejections should be withdrawn.

Claim 25 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bagchi in combination with U.S. Patent No. 2,932,629 (Wiley). With respect to the teachings of Wiley, because Wiley does not cure the basic deficiencies of Bagchi, its combination with Bagchi would not supply the missing teachings to render the claims obvious. So as not to burden the record further, Applicants will not discuss Wiley in detail except to state that Applicants do not necessarily acquiesce to any of the statements in the Office Action referring to Wiley and reserve the right to comment later regarding the same, if every necessary.

As an aside, it is noted that at page 5, lines 20-25 of the present specification, Bagchi is described as not supplying specific teaching on how to make a polymer particle containing carboxylic acid groups. Applicants would like to supplement this disclosure by saying that Bagchi fails to disclose 20 weight % of a carboxylic acid containing monomer A in a monomer droplet, as discussed above.

In view of the above remarks, favorable reconsideration is courteously requested. If there are any remaining issues which can be expedited by a telephone conference, the Examiner is courteously invited to telephone Counsel at the number indicated below.

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The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

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